

PTO-90C (Rev. 10/03)

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	APPLICATION NO.	FILING DATE	FIRST NA	MED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	09/830,131	07/23/2001	P	eter Birke	10535 US	2838
	30996 7590 10/01/2004				EXAN	IINER
	ROBERT W. 1 707 HIGHWAY	BECKER & ASSOC Y 66 EAST	CIATES		CREPEAU, JONATHAN	
	SUITE B				ART UNIT	PAPER NUMBER
	TIJERAS, NM	87059			1746	
					DATE MAILED: 10/01/200	4
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	Please find below a	ind/or attached an (	Office communi	cation concerning	ng this application or pro	oceeding.
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## Commissioner for Patents United States Patent and Trademark Office

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APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY, DOCKET NO./TITLE

09/830/31

DATE MAILED:

## NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

	improper for reason(s) indicated below:
	<ol> <li>Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.</li> </ol>
	2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
	3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
international design of the second section of the se	4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
	5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
	6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
	7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
errormanoscope en de estado do	Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.
	A copy of this notice <u>MUST</u> be returned with any reply.
	Direct the reply and any questions concerning this notice to:
	Hnnie Singletwiechnology Center 1700
	371-272-10-419
	FORM PTO-2051 (Rev. 7/2003)